

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

Trans-Radial Solutions, LLC	
Plaintiffs,	
v.	Case No. 2:18-cv-00656-RAJ-DEM
Burlington Medical, LLC, Mr. John Williams, Fox Three Partners, LLC, and Phillips Safety Products, Inc.	
Defendants.	

DEFENDANT JOHN WILLIAMS' UNOPPOSED MOTION FOR CONTINUANCE

Defendant, John Williams, through undersigned counsel, respectfully requests a continuance of the current trial date to accommodate undersigned counsel's military reserve obligations, which necessitate his attendance at an exercise in Okinawa in late January. In support of this motion, undersigned counsel further states:

1. I am active in the United States Marine Corps as a reservist. I served seven years active and then fifteen years in the reserves to date. I hold the rank of colonel and specialize in operational law. I have served as branch head of an operational law training group and expected to continue in this billet for another year. Instead, I will begin to serve as the reserve counterpart for Marine Forces stationed on Okinawa (III MEF). I am in communication with my active duty counterpart and there is significant interest to have me travel to Okinawa in January 2020 to support a bilateral exercise with the Japanese Defense Force. Complicating this is the fact that I have a required period of training to complete each year and my new command, III MEF, would like me to use this training to support the exercise which is scheduled for late January 2020 in Okinawa and on mainland Japan.

2. The above-captioned matter is currently set for trial commencing on January 28, 2020. *See* ECF No. 45 (Rule 16 Scheduling Order) ¶ 1. Fact discovery is set to close on December 19, 2019, with pre-trial disclosures to be exchanged on or before December 27, 2019. *Id.* ¶¶ 3, 5. A final pretrial conference is scheduled for January 13, 2020. *Id.* ¶ 7.

3. I have contacted counsel for the other Parties in this action, and they do not oppose a short continuance, which would permit me to participate in the upcoming military exercise.

4. A short continuance may also help conserve judicial resources, and lessen the total costs of this litigation, by providing additional time for the Parties to submit summary judgment briefing following the close of fact discovery on December 19, 2019.


5. Summary judgment may significantly reduce the issues that remain for trial, by paring down the counts that remain at issue in this litigation. Plaintiff initially asserted thirteen counts against the Defendants, ten of which named Mr. Williams. ECF No. 1 (Complaint). Three counts were subsequently dismissed in their entirety, and one (Count Ten—Breach of Contract) was dismissed as to Mr. Williams. ECF No. 58 (Order regarding Motion to Dismiss). Six counts now remain pending against Mr. Williams, with ten counts remaining in total. *Id.*

6. Defendants intend to seek summary judgment as to all counts that remain pending against Mr. Williams. Defendants also expect they will move to strike Plaintiff's proposed expert testimony regarding damages.

7. Addressing the damages sought by the Plaintiff and resolving many if not all of the remaining counts through summary judgment will significantly reduce the issues that remain in dispute. A short continuance will conserve resources by permitting key issues to be resolved

before the Parties must engage in extensive pre-trial preparation to address arguments that are unlikely to survive summary judgment.

WHEREFORE, Defendant John Williams, thorough undersigned counsel, respectfully requests the Court grant his unopposed request for a continuance.

 Dated: November 27, 2019

Respectfully submitted,

/s/ David B. Ashe

David B. Ashe (Va. Bar No. 41259)

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Attorney for Defendant John Williams

CERTIFICATE OF SERVICE

Undersigned counsel certifies that on 27 Nov 2019, Defendant s counsel's Response to Interrogatories was delivered electronically via the Court's ECF to all counsel, Plaintiff's counsels, Jeremy M. Stipkala (Fed. Id. No. 10479), Virginia Bar No. 83345 and Bernard S. Klosowski, Jr. (Fed. Id. No. 9251) Pro Hac Vice pending, THRIVE IP Intellectual Property Law Firm, 5401 Netherby Lane, Suite 1201, North Charleston, SC 29420, Tel: 843.580.9057 Fax: 866.747.2595, Jeremy.Stipkala@Thrive-IP.com, Ben.Klosowski@Thrive-IP.com; W. Ryan Snow, Esq., Crenshaw, Ware & Martin, 150 West Main Street, Suite 1500, Norfolk, Virginia 23510, 757 623 3000, wrsnow@cwm-law.com; W. Ryan Snow, Esq., Crenshaw, Ware & Martin, 150 West Main Street, Suite 1500, Norfolk, Virginia 23510, 757 623 3000, dhartnett@cwm-law.com; and also to remaining Defendants' counsel, Rebecca S. LeGrand (VSB No. 89859), LeGrand Law, PLLC, 1775 Eye Street NW, Suite 1150, Washington, DC 20006, Tel: (202) 587-5725, rebecca@legrandpllc.com.

/s/ David B. Ashe

David B. Ashe

Attorney for Defendant John Williams